

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
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MFS GLOBENET, INC.)	
)	
PACIFIC CARRIAGE LIMITED)	File No. SCL-MOD-20000201-00002
)	
Application for Modification of License to)	
Land and Operate in the United States a)	
Private Fiber Submarine Cable System)	
Extending Among the United States and)	
Australia and New Zealand)	
)	

MODIFICATION OF CABLE LANDING LICENSE

Adopted: March 31, 2000

Released: April 3, 2000

I. Introduction

1. In this Order, we modify the cable landing license held by MFS Globenet, Inc. (MFSG) and Pacific Carriage Limited (PCL) (the Applicants) to add an additional cable landing location.¹ The original license authorized MFS International, Inc., pursuant to the Cable Landing License Act,² to land and operate a fiber optic submarine cable system called the Southern Cross Cable Network (Southern Cross), extending between the United States mainland, Hawaii, Australia, and New Zealand. The license subsequently was modified to reflect a change of ownership structure; to permit PCL to be the licensee for the landing station facilities in Hawaii; to permit MFSG to be the licensee for the landing station facilities in California; and to add the Republic of the Fiji Islands as a landing point.³

2. The Applicants request authority to modify the license to include an additional cable landing point located at Nedonna Beach Cable Landing Station in Rockaway Beach, Oregon. According to the

¹ The license was initially granted to MFS International, Inc. ("MFSI"). See *MFS International, Inc.*, (File No. SCL-97-005), 13 FCC Rcd 2932 (1998).

² An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (1994) (Cable Landing License Act).

³ In 1999, the Commission granted MFSI's request for a *pro forma* assignment of the Hawaiian cable landing facilities from MFSI to MFSG. MFSI also requested that the Commission modify the license to permit PCL to be the licensee for the landing station facilities in Hawaii and for MFSG to be the licensee for the landing station facilities in California. See *MFS International, Inc., MFS Globenet, Inc., Pacific Carriage Limited*, File No. SCL-MOD-19990216-00002, 14 FCC Rcd 13912 (1999).

Applicants, the precise location of the landing station is Latitude 45° 38' 32.49179" N, Longitude 122° 56' 19.83896" W. The address is Nedonna Beach Cable Landing Station, 25589 Highway 101, Rockaway Beach, Oregon, 97141. The Nedonna Beach Cable Landing Station was constructed by Alaska Northstar Cable, LLC., and the Applicants have obtained an Indefeasible Right of Use for a portion of the station at which the Southern Cross cable will land. The Applicants will maintain control and exercise ultimate oversight over these facilities. Pursuant to the modified license, Southern Cross will continue to be operated on a common-carrier basis.

II. Comments

3. We placed the modification on public notice on February 18, 2000.⁴ We did not receive any comments. Pursuant to Section 1.767(b) of the Commission's rules,⁵ the Cable Landing License Act, and Executive Order No. 10530,⁶ we informed the Department of State of the modification.⁷ The Department of State, after coordinating with the National Telecommunications and Information Administration and the Department of Defense, stated that it has no objection to approving the Applicants' request for an additional landing point for Southern Cross.⁸

III. Discussion

4. We grant the Applicant's request to add an additional cable landing location for Southern Cross. The Nedonna Beach Cable Landing Station meets the Applicants' requirements and eliminates the need for the Applicants to construct a separate landing station at Rockaway Beach. According to the Applicants, the conditions at the Rockaway Beach, Oregon, landing site will not significantly affect the environment within the meaning of the National Environmental Policy Act. The modification would not affect the ownership of the cable system, its status as a common carrier system, or control of the landing point. The public interest will be served by providing an additional point of access. Accordingly, we find that grant of the modification would serve the public interest.

⁴ See, Public Notice, Report No. TEL-00189NS, released February 18, 2000.

⁵ 47 C.F.R. § 1.767(b).

⁶ 47 U.S.C. §§ 34-39, Executive Order No. 10530, dated May 10, 1954, Executive Order No. 10530, *reprinted as amended in* 3 U.S.C.A § 301 app.

⁷ Letter from Rebecca Arbogast, Chief, Telecommunications Division, International Bureau, Federal Communications Commission, to Steven Lett, Deputy U.S. Coordinator, Office of International Communications and Information Policy, U.S. Department of State (February 23, 2000).

⁸ Letter from Richard C. Beaird, Acting U.S. Coordinator, International Communications and Information Policy, U.S. Department of State, to Donald Abelson, Chief, International Bureau, FCC (March 28, 2000).

IV. Ordering Clauses

5. Consistent with the foregoing and pursuant to the Cable Landing License Act and Executive Order 10530, IT IS ORDERED that the application, File No. SCL-MOD-20000201-00002, IS GRANTED and the Southern Cross Cable Network cable landing license is MODIFIED to add Rockaway Beach, Oregon, as an additional cable landing location.

6. This Modification of Cable Landing License does not modify any other terms or conditions imposed in the license.

7. This Order is issued under Section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon adoption. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of public notice of this Order (see 47 C.F.R. § 1.4(b)(2)).

FEDERAL COMMUNICATIONS COMMISSION

Rebecca Arbogast
Chief, Telecommunications Division
International Bureau